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10/711,566	09/24/2004	Glenn Meckma	27475/06899	5565

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EXAMINER	
BOSWELL, CHRISTOPHER J	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/711,566	Applicant(s) MEEKMA ET AL.	
	Examiner Christopher Boswell	Art Unit 3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 10-13, 15-21, 23-25 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,470,718 to Yang.

Yang discloses a cable lock comprising a flexible cable (3), a lock body (2) including a passageway therethrough (22), and a combination lock mechanism (5) including a set of combination dials (51), a lever arm (29), and a user rotatable knob (27) connected to the lever arm wherein the lever arm causes a locking member (20 and 28) to move into and out of engagement with the flexible cable when the flexible cable is inserted into the passageway, as in claim 1.

Yang also discloses the cable lock includes three positions an unlocked position, wherein the cable can be inserted into and removed from the passageway (column 3, lines 30-38), a cinch position, wherein the cable can only be inserted into the passageway (column 3, lines 20-30), and a locked position, wherein the cable can not be inserted or removed from the passageway (column 3, lines 39-44), as in claim 2, as well as the cable includes an end (31) fixably secured to the lock body, as in claim 3, wherein the knob includes a breakable portion (43) is capable of being breakable such that the knob will disconnect from the lever arm when sufficient force is

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applied to the knob (wherein when the lock mechanism is in a locked position, the shaft blocks the knob from actuating the cam, the connecting member could break under an amount of force), as in claim 5.

Yang further discloses a reset feature (column 3, lines 1-8) allowing new combinations to be set, as in claim 6, wherein the reset feature includes a reset button (the bottom of shaft 50, accessible via a tool; column 3, lines 1-8) located on a portion of the lock body, as in claim 7, and at least one of the set of combination dials includes a shoulder (shoulder contiguous to the lock body; figure 3) that prevents access between the at least one of the set of combination dials and the lock body, as in claim 8.

Yang additionally discloses a spring member (36) located within the passageway that allows the cable to be inserted into the passageway only in one direction (wherein the spring biases the clamping mechanism against the cable), as in claim 10, and the locking member includes a rotatable cam (28) and locking clamp (20), as in claim 11, wherein the locking clamp slides along a sloped surface (43) in order to engage and disengage the cable (cam 43 forces the rotatable cam to actuate the locking clamp into and out of an engaged position with the cable), as in claim 12, as well as a pivotable clamp (20; as claim 13 is only dependent from claim 1, the same component can be equated to several differing structures that are not in the same dependency chain) located at one end of the cable, as in claim 13.

Yang also discloses a cable lock comprising a flexible cable (3), a lock body (2) including a passageway (22) therethrough, a lock mechanism (5) comprising a set of combination dials (51) movable to an unlocking combination, a rotatable cam (29), an actuating

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member (4), and a shaft (41) selectively engageable with the cam (via surface 43), wherein the cam rotates to provide an unlocked position only when the set of combination dials are manipulated to the unlocking combination (column 3, lines 30-38), as in claim 15.

Yang further discloses the cam rotates to engage and disengage a locking clamp (20), wherein the locking clamp engages the cable in the passageway when the cam disengages the locking clamp (sloped surface 43 rotates the locking clamp into engagement with the cable), as in claim 16, wherein the cable lock includes three positions an unlocked position, wherein the cable can be inserted into and removed from the passageway (column 3, lines 30-38), a cinch position, wherein the cable can only be inserted into the passageway (column 3, lines 20-30), and a locked position, wherein the cable can not be inserted or removed from the passageway (column 3, lines 39-44), as in claim 17.

Yang additionally discloses the cable includes an end (31) fixably secured to the lock body, as in claim 18, as well as a reset feature (column 3, lines 1-8) allowing new combinations to be set, as in claim 19, wherein the reset feature includes a reset button (the bottom of shaft 50, accessible via a tool; column 3, lines 1-8) located on a portion of the lock body, as in claim 20, wherein at least one of the set of combination dials includes a shoulder (shoulder contiguous to the lock body; figure 3) that prevents access between the at least one of the set of combination dials and the lock body, as in claim 21.

Yang also discloses a spring member (36) located within the passageway that allows the cable to be inserted into the passageway only in one direction (wherein the spring biases the clamping mechanism against the cable), as in claim 23, and a pivotable clamp (27) located at one end of the cable, as in claim 24, wherein the pivotable clamp include a detent mechanism (20)

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that secures the pivotable clamp in a predefined orientation (the detent secures the pivotable clamp in the locked position, in relation to the cable), as in claim 25.

Yang further discloses a cable lock comprising a flexible cable (3), a lock body (2) including a passageway (22) therethrough, a lock mechanism (5) comprising a set of combination dials (51), a rotatable cam (29), an actuating member (4), and a connecting member (43) connecting the cam with the actuating member, wherein the connecting member is capable of being breakable such that the actuating member will disconnect from the cam when sufficient force is applied to the actuating member (wherein when the lock mechanism is in a locked position, the shaft blocks the actuating member from actuating the cam, the connecting member could break under an amount of force), as in claim 27.

Yang additionally discloses a cable lock comprising a flexible cable (3), a lock body (2) including a passageway (22) therethrough, a lock mechanism (5) comprising a set of combination dials (51) connected to a corresponding set of hubs (the hubs to which mount the dials to the lock shaft 50; figures 2 and 3), a rotatable cam (28), a user rotatable knob (29 being user actuated via element 4) connected to the cam, and a reset button (the bottom of shaft 50, accessible via a tool; column 3, lines 1-8) that disengages the set of combination dials from the corresponding set of hubs, thereby allowing a combination to be set, as in claim 28, as well as a pivotable clamp (27) located at one end of the cable, as in claim 29, wherein the pivotable clamp include a detent mechanism (20) that secures the pivotable clamp in a predefined orientation (the detent secures the pivotable clamp in the locked position, in relation to the cable), as in claim 30,

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wherein the cable lock includes three positions an unlocked position, wherein the cable can be inserted into and removed from the passageway (column 3, lines 30-38), a cinch position, wherein the cable can only be inserted into the passageway (column 3, lines 20-30), and a locked position, wherein the cable can not be inserted or removed from the passageway (column 3, lines 39-44), as in claim 31.

Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,212,919 to Gerow.

Gerow discloses a cable lock (10) comprising a flexible cable (14), a lock body (12) including a passageway (the passageway formed within element 12 to allow the cable to pass through; figure 1) therethrough, a lock mechanism (64), and a pivotable clamp (16) affixed to an end portion (48) of the cable (element 16 holds an end of the cable firmly together with the portion of the cable that forms the loop, figure 1), as in claim 32, wherein the pivotable clamp include a detent mechanism (46) that secures the pivotable clamp in a predefined orientation column 4, lines 9-27), as in claim 33.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang, as applied above, in view of U.S. Patent Number D469,332 to Meekma et al.

Yang discloses the invention substantially as claimed. However, Yang does not disclose indication features. Meekma et al. teaches of a cable lock assembly having a flexible cable, a lock body having a passageway therethrough, wherein the lock body has indication features (Figure 3; an indication feature is located adjacent the insertion hole of the passageway) in the same field of endeavor for the purpose of indicating which direction the cable is to be inserted into the passageway. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an indication feature, as taught by Meekma et al., onto the lock body of Yang in order to indicate which direction the cable is to be inserted into the passageway.

Claims 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang, as applied above, in view of U.S. Patent Number 5,638,707 to Gould.

Yang discloses the invention substantially as claimed. However, Yang does not disclose a protective cover covering the combination dials. Gould teaches of a protective cover (10) of a portable locking assembly (50) that selectively covers a keypad (54) used to unlock the locking assembly (flap 20 being movable to allow a user to access the keypad) in the same field of endeavor for the purpose of protecting the locking assembly from adverse environmental conditions (column 1, lines 51-55). It would have been obvious to one with ordinary skill in the



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art at the time the invention was made to incorporate a protective cover, as taught by Gould, to the lock of Yang, where the cover would surround the lock and provide openings that correspond to the holes and cables of the lock, where a flap would allow access to the combination dials in order to protect the lock from adverse environmental conditions.

### *Response to Arguments*

Applicant's arguments with respect to claims 1-3 and 5-33 have been considered but are moot in view of the new ground(s) of rejection. The amendments to the claims, i.e. the user rotatable knob connected to the lever arm, as in claim 1, broadening the limitation from a knob to an actuating member, as in claims 15 and 27, having the knob being rotatable, as in claim 28, and broadening the locking mechanism to cover all locking mechanisms, as in claim 32, necessitated the new grounds of rejection presented in this Office action.

In regards to the argument of claim 27, the examiner disagrees with the allegation of a material will not break under sufficient force is not an inherent characteristic of materials. All materials when introduced to a sufficient force will break, shear, deform or crack; this is an inherent characteristic of all materials. Furthermore, without the recitation of a frangible connection, the examiner believes Yang reads over the claims as they currently filed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

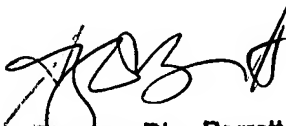
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell  
Examiner  
Art Unit 3676

CJB   
July 18, 2007

  
Suzanne Dino Barrett  
Primary Examiner